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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,601	03/24/2004	Andrew Citrynell	040102-000120US	7224
20350	7590	06/24/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			JIANG, CHEN WEN	
			ART UNIT	PAPER NUMBER
			3744	
DATE MAILED: 06/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/809,601	CITRYNELL ET AL.
	Examiner	Art Unit
	Chen-Wen Jiang	3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-8, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6-8, 14 and 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Weber (U.S. Patent Number 5,653,124).

Weber discloses a beverage container comprising vessel 44 having bottom cavity, dome-shape refrigerant disk 29 and base 39. The bottom cap can, in alternative embodiments, be fitted onto the bottom edge of the sleeve by alternative fastening means, including: by having helical threaded molded thereon, which then screw onto complementary helical threads on the bottom of the sleeve.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (U.S. Patent Number 5,653,124) in view of Connors et al. (U.S. Patent Number 6,415,624).

Weber discloses a beverage container comprising vessel 44 having bottom cavity, dome-shape refrigerant disk 29 and base 39. The bottom cap can, in alternative embodiments, be fitted

onto the bottom edge of the sleeve by alternative fastening means, including: by having helical threaded molded thereon, which then screw onto complementary helical threads on the bottom of the sleeve. However, Weber does not disclose glass/plastic combination. Connors et al. disclose the suitable materials for container include plastic, glass and metal and base material is made from plastic. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Weber with a glass/plastic combination in view of Connors et al. so as to construct the beverage container.

5. Claims 6-8,14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Searle et al. (U.S. Patent Number 6,134,894) in view of Connors et al. (U.S. Patent Number 6,415,624).

Searle et al. disclose a beverage container with heating or cooling insert. The container 10 comprises open top end by a top member 14, internal cavity 22, a dome-shape base member 16 having external cavity 20, heating/cooling insert 30 having similar shape of external cavity and a bottom cap 28. However, Searle et al. do not disclose threaded and glass/plastic combination. Connors et al. disclose the suitable materials for container include plastic, glass and metal and base material is made from plastic. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Searle et al. with a glass/plastic combination in view of Connors et al. so as to construct the beverage container.

6. Claims 6-8,14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent Number 5,467,877) in view of Hymes (U.S. Patent Number 5,943,875).

Smith discloses a beverage container 10 comprising main body portion 13, bottle 12, closed bottom 16, cavity for cold insert 52 and base 58 having thread for the connection to the

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bottle 12. However, Smith does not disclose hemispherical cavity and glass/plastic combination. Hymes discloses the cavity is substantially hemispherical shape and Connors et al. disclose the suitable materials for container include plastic, glass and metal and base material is made from plastic in the same field of endeavor for the purpose of providing cooling agent. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Weber with a hemispherical cavity in view of Hymes and a glass/plastic combination in view of Connors et al. so as to construct the beverage container.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809. The examiner can normally be reached on Tuesday-Friday from 8:00 to 6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang
Primary Examiner

